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Chairman
4th District, Oklahoma

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 1501—Consequences for Juvenile Offenders Act

H.R. 2122—Mandatory Gun Show Background Check Act



H.R. 1501—Consequences for Juvenile Offenders Act

Floor Situation: The House is scheduled to complete consideration of H.R. 1501 as its first order of business today. Yesterday, the House completed general debate and began considering amendments under a structured rule. The rule made in order 44 amendments to H.R. 1501, of which 16 remain to be considered, each debatable in the order listed and for the amount of time specified below (the chairman of the Committee of the Whole, however, may recognize amendments out of order beginning one hour after the chairman of the Judiciary Committee requests to do so). The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. The rule provides one motion to recommit, with or without instructions.

Summary: H.R. 1501 authorizes the Attorney General to provide \$1.5 billion over FYs 2000-2001 in block grants to states to help combat juvenile crime. States and local governments may use the funding for a variety of activities, including building or repairing correctional facilities, hiring more prosecutors, and establishing programs for law enforcement training, drug rehabilitation programs, and school-safety programs. To be eligible for grants under the bill, states must implement a system of graduated sanctions for juvenile offenders—in other words, sanctions that escalate in intensity with offenses subsequent to a first offense. Finally, the measure makes changes to the juvenile justice system, increases penalties for violating existing federal firearms regulations, limits access by minors to firearms and explosives, and combats gang violence and drug trafficking involving minors. The measure was introduced by Mr. McCollum on April 21, 1999 and was not considered by a House committee.

Views: The Republican leadership supports passage of the bill. An official Clinton Administration view was unavailable at press time.

Amendments: As stated above, a total of 16 amendments remain to be considered, debatable in the order listed and for the amount of time specified below. At the close of business yesterday, the House had completed debate, but not voted on, the following three amendments for which recorded votes were rolled until today:

- * an amendment by **Mr. Aderholt** to establish that, under the Tenth Amendment, states have the power to determine whether the Ten Commandments may be displayed on state property or in schools. *Staff Contact: Mark Dawson, x5-4876*
- * an amendment by **Mr. Souder and Mr. English** to permit faith-based organizations to compete for grants under the bill. *Staff Contact: Margaret Hemenway (Souder), x5-4436; Chris St. Pierre (English), x5-5406*
- * an amendment by **Mr. Souder** to prohibit the Office of Juvenile Justice and Delinquency Prevention (OJJDP) from producing literature, curriculum, etc., that “undermines or denigrates” the religious beliefs of any juvenile or adult in programs authorized in the bill. *Staff Contact: Margaret Hemenway, x5-4436*

Ms. Emerson and Messrs. Salmon, Kingston, Knollenberg, and Wamp will offer an amendment, debatable for 40 minutes, to express the sense of the Congress that the entertainment industry (1) has been irresponsible in marketing its products to American youth; (2) must recognize the power and influence it has over children and young adults; and (3) must do everything in its power to curtail portrayals of pointless acts of brutality. *Contact: x5-4404 (Emerson)*

Mr. Markey, Ms. Roukema, and Mr. Barrett (WI) will offer an amendment, debatable for 10 minutes, to commission a study of the firearms industry’s marketing practices toward juveniles. The commission must submit its findings to Congress no later than a year after enactment. *Contact: x5-2836 (Markey)*

Mr. Markey and Mr. Burton will offer an amendment, debatable for 10 minutes, to require the Surgeon General to undertake a comprehensive review of published research and other sources of reliable information concerning the impact that television, movies, the Internet, and other media have had on the health and welfare of children. The amendment also requires the Surgeon General to report to Congress on his findings and make recommendations on what can be done to mitigate any harmful affects these mass media outlets have had on children. *Contact: x5-2836 (Markey)*

Mr. Wamp and Mr. Stupak will offer an amendment, debatable for 40 minutes, to establish a standardized product violence labeling system for interactive video games, video programs, motion pictures, and music, in order to inform consumers of the nature, context, intensity of violent content, and age appropriateness of such products. The labeling system must include information on the nature and intensity of violent content, as well as a minimum appropriate age to view or listen to the product. The amendment also (1) bans the domestic sale or commercial distribution of unlabeled products after one year; and (2) requires retailers to enforce age restrictions on such products, subject to a fine of up to \$10,000. *Staff Contact: Hayden Milberg (Wamp), x5-3271; Dave Buchanan (Stupak), x5-4735*

Mr. Goodling will offer an amendment, debatable for 90 minutes, to incorporate into the bill H.R. 1150, which (1) revises the Juvenile Justice and Delinquency Prevention Act to provide states and local governments increased flexibility in how they address issues related to juvenile crime and (2) consolidates existing discretionary grant programs into a block grant to the states to be used for prevention activities.

The amendment authorizes such sums as necessary for FYs 2000-2003 to carry out these activities. Funds under the amendment will be distributed to states based on the number of individuals under age 18 in the state. **Staff Contact: Ron Englebert, x5-5836**

Mr. Roemer and Mr. Rothman will offer an amendment, debatable for 20 minutes, to authorize grant funding to support projects to improve school security, including the placement and use of metal detectors. **Contact: x5-3915 (Roemer)**

Ms. Wilson will offer an amendment, debatable for 10 minutes, to authorize grant money to promote or develop partnerships with established mentoring programs to provide mentors for violent and non-violent juvenile offenders. **Contact: x5-6316**

Messrs. Norwood, Barr, Talent, Petri, Hill (MT), Shadegg, Nussle, Hutchinson, and Bryant will offer an amendment, debatable for 60 minutes, to modify the Individuals with Disabilities Education Act (IDEA) to authorize school personnel to discipline students with disabilities who have weapons in the same manner as school personnel would discipline students without disabilities. **Staff Contact: Dan LaPré, x5-4101 (Norwood)**

Mr. Fletcher and Mr. Hayes will offer an amendment, debatable for 30 minutes, to allow state and local education agencies to form partnerships designed to implement character education programs that reflect the values of parents, teachers, and local communities, and incorporate elements of good character—including honesty, citizenship, courage, respect, personal responsibility and trustworthiness. **Staff Contact: Holly Hacker (Fletcher), x5-4706**

Mr. Franks and Mr. Pickering will offer an amendment, debatable for 20 minutes, to require schools and libraries to install filtering or blocking technology on their computers to filter out material deemed harmful to minors, if they accept federal funds from the E-Rate (Universal Service Fund) to connect to the Internet. The blocking technology—the specific type of which may be decided by the school or library—must be installed on every computer with Internet access. **Contact: x5-5361**

Messrs. McIntosh, Bryant, and Brady will offer an amendment, debatable for 30 minutes, to provide limited civil litigation immunity for teachers, principals, local school board members, and other education professionals who engage in “reasonable actions” to maintain order and discipline in schools and classrooms. The amendment does not protect teachers from being held liable for egregious misconduct, criminal acts, violations of state and federal civil rights laws, or inappropriate uses of drugs and alcohol. **Staff Contact: John Steele, x5-3021**

Mr. Schaffer will offer an amendment, debatable for 10 minutes, to require the General Accounting Office (GAO) to comprehensively study the effectiveness of juvenile crime prevention programs—of which there are 117, spanning 15 departments—and to recommend reforms for Congress’s consideration. The amendment stipulates that if a program is deemed ineffective, it must be terminated by FY 2005. **Staff Contact: Krista Kafer, x5-4676**

Mr. Conyers will offer an amendment in the nature of a substitute, debatable for 30 minutes, to:

- * consolidate the various federal juvenile prevention programs into one block grant program;

- * allow funds to be used for activities designed to prevent and reduce juvenile crime in communities that have a comprehensive juvenile crime prevention plan, including projects that provide treatment to juvenile offenders and juveniles who are at risk of becoming juvenile offenders;
- * stipulate that eligible recipients of the block grants authorized under the bill include community-based organizations, law enforcement agencies, local education authorities, local governments, social service providers and other entities with a demonstrated history of involvement in juvenile delinquency prevention;
- * authorize \$500 million for the “Cops on the Beat” grant program through FY 2002;
- * authorize \$700 million for crisis prevention counselors and anti-violence initiatives for FYs 2000-2004, with 50 percent of the grants going to fund crisis prevention counselors and crisis prevention programs and the remaining 50 percent going to school districts for safety improvement projects;
- * hold adults responsible for death and injury caused by child access to firearms;
- * require thefts from common carriers to be reported;
- * allow federal firearms licensees to voluntarily submit business records to ATF; and
- * require the National Institutes of Health to conduct a study of the effects of video games and music on child development and youth violence. The study must address whether, and to what extent, video games and music (1) affect the psychological and emotional development of juveniles and (2) contribute to youth violence. **Contact: x5-5126**

Additional Information: See *Legislative Digest*, Vol. XXVIII, #17, June 11, 1999.



H.R. 2122—Mandatory Gun Show Background Check Act

Floor Situation: The House is scheduled to consider H.R. 2122 after it completes consideration of H.R. 1501. Yesterday, the House adopted a structured rule for consideration of both H.R. 1501 and H.R. 2122 that provides one hour of general debate on each measure, equally divided between the chairman and ranking member of the Judiciary Committee. The rule makes in order 11 amendments to H.R. 2122, each debatable in the order listed and for the amount of time specified below (the chairman of the Committee of the Whole, however, may recognize amendments out of order beginning one hour after the chairman of the Judiciary Committee requests to do so). The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. The rule provides one motion to recommit, with or without instructions. Finally, the rule requires that, upon passage of H.R. 2122, the measure be incorporated into the text of H.R. 1501.

Summary: H.R. 2122 prohibits the transfer or receipt of a firearm at a gun show before a background check of the buyer’s criminal history is conducted (the bill defines a gun show as an event at which there are at least 50 guns and 10 vendors). The background check must be conducted through the National

Instant Check System currently used by gun dealers at their place of business. The bill authorizes both licensed dealers and instant check registrants to conduct the checks. If the instant check system indicates a delay, gun show vendors, before transferring the firearm, must wait until they receive notice that the buyer has no criminal background or 72 hours from the initiation of the background check. The penalty for failing to conduct background checks will be up to three years in prison for the first offense and five years for subsequent convictions. The measure requires gun show organizers to register with the Treasury Secretary and to collect and retain information identifying every vendor selling firearms at the show.

The bill also prohibits the federal government from charging a fee in connection with a background check for prospective gun buyers (the FBI has proposed that a fee of about \$15 be charged to those who conduct background checks in order to support the costs of maintaining the system). In addition, the measure requires the instant check system to destroy certain information relating to gun buyers who were found to have no criminal background. Finally, the bill authorizes a federal civil cause of action for any such individual whose instant check record is not destroyed. The bill was introduced by Mr. Hyde and Mr. McCollum and was not considered by a House committee.

The amendments made in order to the bill address a variety of issues, including requiring “trigger locks” in all gun purchases, the definition of a “gun show,” and the period of time in which the FBI should have to complete a background check. There are three camps settled around this measure: those who contend that the Second Amendment constitutes an impregnable wall against federal regulation of gun shows, those who believe that guns—no matter where they are sold—are the root cause of a public health crisis and should be regulated to a much greater extent than is the case today, and those who believe a reasonable balance can be struck between an absence of gun show regulation and federal micromanagement.

Views: The Republican leadership has taken no official position on the bill. An official Clinton Administration view was unavailable at press time; however, the president has indicated support for expanding federal regulation of gun shows.

Amendments: As stated above, the rule makes in order 11 amendments to H.R. 2122, debatable in the order listed and for the amount of time listed below.

Messrs. Dingell, Oberstar, Stenholm, Tanner, Cramer, and John will offer an amendment, debatable for 40 minutes, to require that gun show vendors wait 24 hours—rather than the 72 hours specified in the bill—to receive notice that the prospective buyer has no criminal background before proceeding with a gun transaction. In addition, the amendment requires the FBI to give priority to background checks on transactions originating from gun shows. The amendment establishes that a gun show “sale” has taken place when the buyer has “accepted” an offer (the bill states that a sale has taken place when the buyer “indicate[s] a willingness to accept an offer”). In order to deter theft of inventory deliveries, the amendment allows federally-licensed firearms dealers to trade inventory at gun shows. Finally, the amendment mandates an additional prison penalty of 10 years—that is, in addition to the underlying sentence for using a firearm in a crime—for crimes in which large-capacity ammunition magazines are used. **Staff Contact: Mike Hacker (Dingell), x5-4071**

Ms. McCarthy (NY), Ms. Roukema, and Mr. Blagojevich will offer an amendment, debatable for 30 minutes, to (1) revise the definition of “gun show” as an event where 50 or more guns are for sale by two or more vendors; (2) give law enforcement authorities up to three business days to complete background checks on prospective gun show buyers; (3) exclude instant check registrants from conducting background checks; (4) require background checks for any gun that is offered for sale at a gun show; and (5) require gun dealers to keep records of gun show transactions. **Staff Contact: Sean McDonough, x5-5516**

Mr. Hyde, Ms. Lofgren, Mr. Meehan, and Ms. DeGette will offer an amendment, debatable for 30 minutes, to ban the importation of large capacity ammunition feeding devices—i.e., clips, magazines, and other devices that hold more than 10 rounds of ammunition—that were manufactured before 1994 (the 1994 crime bill grandfathered large capacity clips that were manufactured before that year). **Contact: x5-4561**

Mr. Hyde or a designee will offer an amendment, debatable for 30 minutes, to prohibit individuals under 21 from purchasing, or attempting to purchase, a handgun or ammunition suitable only for use in a handgun. **Staff Contact: Judiciary Committee, x5-3951**

Mr. McCollum will offer an amendment, debatable for 30 minutes, to prohibit juveniles under the age of 18 from possessing semiautomatic assault weapons. **Staff Contact: Judiciary Committee, x5-3951**

Mr. Davis (VA) will offer an amendment, debatable for 30 minutes, to mandate that a licensed manufacturer, importer, or dealer include a secure gun storage or safety device—such as a “trigger lock”—with the transfer or sale of a handgun. Under the amendment, the penalty for not including such a device will be a fine of up to \$2,500 and/or six-month license suspension. Finally, the amendment stipulates that, in the event that a firearm is obtained without the permission of the owner, a civil liability action may not be brought against the owner if a gun storage or safety device was used. **Staff Contact: Barnaby Harkins, x5-1492**

Messrs. Cunningham, Gekas, Traficant, and Rogan will offer an amendment, debatable for 20 minutes, to allow qualified current and retired law enforcement officers to carry a concealed weapon. The law enforcement personnel must (1) be employed by a public agency; (2) be authorized by that agency to carry a firearm while on duty; (3) not be subject to disciplinary action; and (4) carry appropriate federal or state identification. **Staff Contact: Tim Charters (Cunningham), x5-5453**

Mr. Sessions and Mr. Frost will offer an amendment, debatable for 10 minutes, to mandate that guns pawned for more than a year may not be returned to the owner until he or she passes a check by the National Instant Check System. **Staff Contact: Jeff Koch (Sessions), x5-2231**

Mr. Goode will offer an amendment, debatable for 10 minutes, to repeal D.C. Law 1-85, a 1976 law that prohibits D.C. residents from possessing a firearm. **Staff Contact: Tom Hance, x5-4711**

Mr. Hunter will offer an amendment, debatable for 10 minutes, to allow citizens in the District of Columbia with no criminal history to possess a loaded handgun in their home for purposes of home and family protection. **Staff Contact: Lorissa Bounds, x5-5672**

Mr. Rogan will offer an amendment, debatable for 20 minutes, to prohibit juveniles who have committed “violent acts of juvenile delinquency” from possessing firearms as adults. **Staff Contact: Patrick Sullivan, x5-4176**

Additional Information: See *Legislative Digest*, Vol. XXVIII, #17, Pt. III, June 14, 1999.

